

# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 19, 2001 (BOS Mtg.12/4/01)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. ZM-62-01, Gerald L. Stewart

### ISSUE

Application No. ZM-62-01 is a request to amend the York County Zoning Map by reclassifying two parcels with a total acreage of 1.3 acres located at 2425 and 2395 Pocahontas Trail (Route 60) from RR (Rural Residential) to GB (General Business). The parcels are further identified as Assessor's Parcel No(s).15-20 and 15-21. The applicant has submitted voluntary proffers that would apply to the property located at 2425 Pocahontas Trail / No. 15-21 (the southernmost of the two parcels) if this reclassification is approved.

### DESCRIPTION

Property Owner: Gerald L. Stewart and Joseph Kirby

Location: 2425 Pocahontas Trail (Route 60) and 2395 Pocahontas Trail (Route 60)

Area: 0.48 acre [2425 Pocahontas Trail (Route 60)] and 0.77 acre [2395 Pocahontas Trail (Route 60)] for a total of 1.3 acres

Frontage: 2425 Pocahontas Trail (Route 60) has 450 feet; 2395 Pocahontas Trail (Route 60) has 385 feet

Utilities: Water and sanitary sewer available

Topography: Flat

2015 Land Use Map Designation: Military

Zoning Classification: RR (Rural Residential)

Existing Development: One parcel (the southernmost) has an existing single-family home with a detached shed (the home is vacant); the other has a non-conforming commercial use

Surrounding Development:

*North:* CSX right-of-way  
*South:* Single family detached home; Pocahontas Trail (Route 60)  
*East:* CSX right-of-way  
*West:* James City County Fire Station, single family homes<sup>1</sup>

*Proposed Development:* Two automated, unattended fuel pumps on the southernmost parcel (2425 Pocahontas); maintenance of existing commercial use on the other (2395 Pocahontas)

## **CONSIDERATIONS/CONCLUSIONS**

1. The purpose of the request is to allow establishment of a fuel pump facility at 2425 Pocahontas Trail (Route 60) and to make the non-conforming commercial use on the other parcel (2395 Pocahontas Trail) conforming. The Comprehensive Plan designates this area for Military uses.<sup>2</sup>
2. In evaluating the rezoning application, it is important that the Board consider not just the proposed use, but also any other uses that are permitted as a matter of right in the GB district. There is no guarantee that fuel pumps, once established, will remain in operation forever or that they will even be established in the first place. However, staff has no reason to believe that the applicant does not intend to go forward with the proposed use and, furthermore, the shallowness of the parcel combined with the required setbacks would severely limit development opportunities on the property. Therefore, the applicant's proposal appears to be one of only a few commercial uses capable of utilizing the unique size and shape of the property. As for the second parcel that is part of this application, it has been a commercial operation for decades and will become a conforming use if the rezoning is approved. There would be no immediate change in the character or land use activity of this parcel as a consequence of the rezoning, although removing its nonconforming status may provide some incentive for future investment/improvement. The potential for development on these properties is further limited by the possibility that Route 60 may be widened in the future, possibly affecting both parcels. However, both property owners are aware of this possibility and have chosen to move forward with the proposed reclassifications.
3. The proposed fuel pump operation consists of a fuel island with two single pumps but no overhead canopy. There will not be a convenience store or any other retail operation associated with this request. In fact, there will not be any on-site employees at this location. The fuel pumps are automated and the user operates the pumps with a commercial account card. The operation is targeted toward small companies and

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<sup>1</sup> James City County's Land Use Plan designates the properties across from the subject parcels as Low-Density Residential

<sup>2</sup> The Military designation has been determined to be in error. The property was designated Low Density Residential in the 1991 Comprehensive Plan and the Military designation appears to be an inadvertent mapping error since it doesn't fit the military criteria. However, until an amendment to the 2015 Land Use Map is sponsored and adopted, the designation is still the legal description under the Comprehensive Plan.

rental car agencies that can benefit from the pumps' automated services and proximity to Interstate 64. The parcel with the non-conforming commercial use currently includes a U-Haul rental operation and a retail/craft sales store. The property has been used commercially for decades. Both parcels are "sandwiched" between Route 60 and the CSX railroad tracks, making them undesirable for residential uses.

Considering the limited depth of the parcels and their proximity to a major Interstate interchange (Busch Gardens/Grove), the requested commercial zoning classification appears to be worthy of consideration.

4. Because the property adjacent to the proposed fuel pump operation is zoned RR-Rural Residential, the applicant will be required to provide a transitional buffer on the southeast side of the subject property. The buffer will ensure a proper transition between the lower intensity residential use and the more intense commercial use. The applicant's proffer will ensure that this buffer is provided and maintained at the full 35-foot width required by the Zoning Ordinance.
5. According to the standards in the Zoning Ordinance, the applicant's fuel pump operation is not projected to generate enough traffic to warrant a traffic impact analysis. However, the proposal is subject to review and approval by the Virginia Department of Transportation (VDOT) during the site plan review process.
6. The applicant has voluntarily submitted three conditional zoning proffers that relate to the parcel proposed for the fuel pump operation (2425 Pocahontas Trail/Assessor's Parcel No. 15-21). The three proffers are: lighting on the site will use full cut-off lighting fixtures consistent with the Illuminating Engineering Society of North America (IESNA)<sup>3</sup>; a 35-foot transitional buffer will be installed on the southern side of the site abutting the adjacent Rural Residential zoned property<sup>4</sup>; and signage will be a ground mounted monument style. I believe that these proffers will help ensure that the proposed operation is a quality development.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its regular meeting on November 14, 2001 and, subsequent to holding a public hearing, voted 5:0 to recommend approval (Simasek absent). Other than the applicant's representative, no others spoke during the public hearing.

### **RECOMMENDATION**

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<sup>3</sup> Now required by the Zoning Ordinance

<sup>4</sup> The Zoning Ordinance requires that a 35-foot transitional buffer be established between General Business and Rural Residential zoning categories; however, under the Ordinance, the buffer may be reduced in half if both properties are developed, as is the case with the current proposal. Consequently, the applicant has submitted a proffer to ensure that a full 35-foot buffer will be established between the fuel pump operation and the adjacent residentially zoned parcel.

The range of future land uses opportunities for these properties is severely limited because of their size, shape, depth and the adjacent railroad tracks. If this application were approved, one parcel, which for decades has operated as a commercial non-conforming use, would become a conforming use. The other parcel is proposed to be used for the fuel pump operation, which because of its lack of retail operations would have a relatively low impact on the adjacent properties. Overall, considering the properties' limitations for future development and the fact that the character of this area will change very little by this rezoning, I believe that a commercial classification would be appropriate. Also, the 35' transitional buffer will help ensure that the adjacent property owners will not be negatively impacted. Therefore, I recommend that the Board of Supervisors approve this application to change the zoning classification from RR to GB (General Business), subject to the voluntary proffers applicable to the Parcel located at 2425 Pocahontas Trail, through the adoption of proposed Ordinance No. 001-23.

Carter/3337

#### Attachments

- Planning Commission excerpts, November 14, 2001
- Zoning Map
- Site Map
- Survey plat
- Conceptual proposal (fuel pump operation)
- Proffer statement submitted by Gerald L. Stewart and dated November 14, 2001
- Proposed Ordinance No. 01-23